**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPEAL NO.1003 OF 2003.**

The State of Maharashtra : Appellant.

versus

Chandrakant Apparao Chavan & ors.: Respondents.

Mr.B.R.Patil, Acting PP, for the State.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 2nd September 2004.**

**ORAL ORDER**

1. Heard Mr.B.R.Patil, the learned Acting PP, for the State. This is an appeal filed by the State against acquittal of the accused under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code. It is a case of assault. But the trial Court has acquitted the accused because there was variance between the evidence of the complainant i.e. the injured and the eye witnesses. Both are giving different stories,

not supported by the medical evidence. Further, the court found that though the independent witnesses were available, none of them was examined by the prosecution. There was enmity between the parties because of the Grampanchayat election and the court also found that the complaint was false and filed because of the political rivalry. I do not find any reason to come to any different conclusion. Therefore, there is no merit in this appeal. The appeal is dismissed.

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